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NOTES OF CASES.

Regulation of Fares of Interstate Street Railroads.—In a proceeding before the Interstate Commerce Commission the complaint alleged that respondent, a street railroad company, operated electric lines in Omaha, Neb., and also, under lease, a line in Council Bluffs, Iowa, extending over a bridge across the Missouri river and around a loop covering several blocks in the business section of Omaha; that interstate passengers on the latter line were charged a fare of ten cents between points in Council Bluffs and points on the loop in Omaha, and of fifteen cents between points in Council Bluffs and points on respondent's lines in Omaha beyond the loop; that local fares to and from all points in Omaha, whether on or off its loop, were five cents. It charged that the ten-cent fare was excessive, and prayed that just and reasonable fares be established for the transportation of passengers between the two cities. The Commerce Court, in *Omaha and Council Bluffs St. Ry. Co. v. Interstate C. Commission*, 191 Federal Reporter, 40, holds that, under the issues, it was within the power of the Commission, conceding that it had jurisdiction of the case, to eliminate the loop boundary for the ten-cent fare, and require the company to carry passengers between all points on its lines in Council Bluffs and Omaha, respectively, for a single fare of ten cents. The court also holds that, although the street railway company is incorporated under the street railroad statutes of a state and not authorized to carry freight, nor vested with the power of eminent domain, it is subject to the provisions of the interstate commerce act.

Tyranny or Necessity.—The question in the case of *Robertson v. State*, 142 Southwestern Reporter, 533, is whether the testimony of a witness in a judicial proceeding can be reproduced on a second trial when the witness dies, becomes insane, or is beyond the jurisdiction of the state. The dissenting opinion by Judge Davidson of the Court of Criminal Appeals of Texas is of special interest. It reads in part as follows: "The Bill of Rights are individual guaranties of the citizen, and are put into our Constitution to prevent courts and all other departments of government from doing under the plea of necessity—that specious plea of tyranny and despotism—that which the Constitution and their oaths of office say they shall not do. Madam Roland, while upon the scaffold, in the anguish of her soul, said: 'Oh, Liberty! What crimes are committed in thy name.' And we, like she, can say: 'Oh, Necessity! What crimes are committed in thy name.' It is the most monstrous, dangerous doctrine that ever found lodgment in the head of a judge holding a constitutional office under the Constitution and laws of a free people. It is the recourse of despotism and tyranny, and is never used except in an effort to violate some law where no other reason can be